

Cheltenham Borough Council Planning Committee Minutes

Meeting date: 17 August 2023

Meeting time: 6.00 pm - 7.00 pm

In attendance:

Councillors:

Paul Baker (Chair), Garth Barnes (Vice-Chair), Glenn Andrews, Adrian Bamford, Bernard Fisher, Paul McCloskey, Emma Nelson and Barbara Clark

Also in attendance:

Mike Holmes and Cheryl Lester (Legal officer)

1 Apologies

Apologies were received from Councillors Seacome and Wheeler.

2 Declarations of Interest

As a non-executive director of the Cheltenham Trust, Councillor Clark declared an interest in Agenda item 6 23/01123/LBC The Wilson Art Gallery and Museum – she will leave the Chamber when this application is being considered.

3 Declarations of independent site visits

Councillors Andrews and Nelson both declared that they had visited both sites.

4 Minutes of the last meeting

Councillor Oliver asked for the following correction to be made:

Page 6, Agenda item 8: 23/00860/FUL 14 Lincoln Avenue, bullet point 3:

There will be overlooking of the garden, which will mean that the neighbours will be extremely overlooked. This would be deemed as a loss of amenity and that is ~~acceptable~~ unacceptable.

With this correction, the minutes were approved and duly signed as a true record of the meeting.

5 22/01891/FUL Playing Field Adj 10 Stone Crescent, Cheltenham, GL51 8DP

On behalf of the case officer, the Interim Head of Planning presented the report, at committee at the request of Councillors Pineger and Willingham. He highlighted that this is a parcel of undeveloped land in the principal urban area and part of an allocated housing site under Policy HD5 of the Local Plan. It is adjacent to another plot where the same developer has extant planning permission for 13 dwellings.

The scheme has been amended during consideration to reduce the number of dwellings from seven to six, improve landscaping and planting, include mitigation measures for contaminated land and drainage, and retain a strip of land adjacent to Plot 6, to help facilitate a future pedestrian link to the King George V playing fields. It is regrettable that no affordable housing is included, but appropriate viability testing has been undertaken, and this is not therefore a reason to refuse permission. With no five-year housing land supply, the NPPF states that permission should be granted unless the adverse impact of the scheme significantly and demonstrably outweighs the benefit. Officers consider the scheme to be acceptable, and recommend approval, subject to a number of conditions.

Public speaking

Neighbour, in objection

Speaking on behalf of residents, the neighbour began by listing their concerns. He said the increase in traffic and single vehicular entry/exit point for the new development will heavily impact the already congested area. Parking for the new houses, none of which are affordable, is likely to overspill into the existing estate, where it is already an issue due to the high number of HMOs.

Narrow roads, no real turning areas, and overgrown hedges around Wharfdale Square block and impair drivers' vision, causing problems for all types of vehicles; construction vehicles will experience the same, thereby causing major obstructions, inconvenience and potential health and safety issues. Inconsiderate parking by school-run parents already causes issues, forcing drivers to drive on the wrong side of the road or perform evasive manoeuvres to avoid collisions, and with no pavements in Wharfdale Square, pedestrians and children often use the brick-paved roads. Near misses are common, and the traffic will increase significantly with the new houses.

He concluded by saying that the future of the area and its community is very important to residents, who feel their daily lives will be negatively impacted by the new development. They do not feel they have been properly consulted or given the

opportunity to discuss their concerns, and request a public consultation if the plans are permitted, to give residents reassurance that the strict measures imposed on the developers will minimise the impact on existing residents.

Applicant, in support

The applicant began by saying that all the key issues and amendments were thoroughly explained in the officer reports. He said the major sewers and large water main had created some technical constraints, but these had been taken into account. This is an allocated housing site in a sustainable location, and will provide much-needed modern homes in the location.

Aware of concerns about parking from residents of Stone Crescent, the scheme includes the maximum parking acceptable to the highways department and CBC - averaging 2.5 spaces per 3-bedroomed semi - to ensure existing parking issues aren't made worse by the proposals. The proposed site road has been designed to accommodate on-road visitor parking and there is a turning head on the approved lay-out. Regarding concerns about additional traffic pressure on Rowanfield School at peak times, he said the development is some distance from the school entrance and will have no effect on existing parking issues. Delivery lorries and site traffic will not be allowed at school drop-off and collection times.

He said New Dawn Homes is a Cheltenham-based business, building quality homes which are highly insulated, environmentally friendly with solar panels, permeable paving, underground attenuation tanks to restrict rainwater run-off, and enhanced landscaping. He regretted that the requested footpath link to King George V playing field couldn't be provided.

Councillor Richard Pineger

Speaking as ward councillor and chair of the Friends of King George V Playing Field, Councillor Pineger said he supported the application, as Cheltenham needs more homes and he and officers have worked with the developer to overcome a number of objections, in particular traffic considerations and sustainability measures.

He said residents still remain concerned about the narrowness of Wharfdale Square and the constriction of Stone Crescent due to parked cars, with several HMOs in the area. This has resulted in Ubico lorries having to reverse down Stone Crescent, which has caused accidents, and residents are understandably concerned about construction traffic. He thanked the planning officer for adding conditions to control construction traffic, but regretted that a more creative solution could not be found.

Regarding resident traffic, he said most current residents of Wharfdale Square need to drive over the bricked, pedestrianised stretch of the square, with two blind corners, to access their homes, and adding a further 19 houses will make this situation even more dangerous. He hoped that this inconvenience and the proximity to the park will result in families keen on parks and active travel buying the new houses.

He thanked the applicant for incorporating the 3m-wide strip of land through to the playing field, which will provide good connectivity and hopefully result in less carbon emissions, in line with CBC's Climate Change SPD. A government survey has shown that people in neighbourhoods with green places are happier and healthier, and his own survey shows the majority of residents in favour of the path. The Friends of King George V Playing Fields are also in support, with plans to create a connecting ramp and circular path around the field. The applicants have committed to providing the additional 2m width required by amending the extant 2018 plan, giving a 3m-wide path which will discourage anti-social behaviour.

Councillor Willingham

Having raised concerns about the additional pressure of further development on existing sewerage connections, and been advised that this wasn't a planning matter, Councillor Willingham said he did not accept this, telling Members about a family in his constituency downstream of the development regularly get raw sewage in their back garden. He said a condition to upgrade the sewer was needed.

He said the neighbour's eloquent objection raised real concerns about the single-road access out to Alstone Lane, and the potential chaos created by an additional 19 new houses at school drop-off and pick-up times. This is not safe, yet there no mitigation measures are proposed.

Regarding affordable housing, he said three units should be required from this development, and if this is not viable, evidence should be provided. New Dawn's latest accounts show significant profits, so to suggest that they cannot afford to include affordable housing is questionable. They have also failed to add any provision for uplift if they make more profit than the figures provided suggest. The Cabinet Member for Housing is disappointed that the council has failed to achieve any affordable housing here; CBC needs to look after people who require affordable housing, and it is shameful neglect to approve the scheme based on the developer's figures. These should be scrutinised by the committee and uplift provision conditioned – otherwise CBC is failing the least well-off in Cheltenham.

Member questions

The Interim Head of Planning and Legal Officer provided the following responses to Members' questions:

- the district valuer was consulted regarding the viability of the scheme and whether affordable housing should be included. That information is confidential and therefore not published, but no issues were raised. It should be noted that the district valuer takes a view based on the scheme, not the profitability of the developer;
- although Cheltenham needs more affordable homes, and the council normally looks for 40% on developments of 10 or more dwellings, this site as a whole is complicated by pipelines and other issues which affect viability, and the proposal being considered tonight is for just six houses, which do not trigger an affordable housing requirement in themselves, but did do when taken with the 13 dwellings already permitted;

- Severn Trent didn't respond to CBC's consultation but responded to the applicant's approach and didn't identify any particular concerns. As Members will be aware, this is not a planning issue and therefore not a material consideration. If any major problems had been present, Severn Trent would have been expected to flag these, and if they had it may then have reasonable for these to be addressed before occupation;
- regarding parking, and the residents' concern about overspill to the surrounding streets, the report states that a condition requiring parking arrangements to remain as approved is included i.e. the development will be built in accordance with the planned lay-out for the whole site, to maintain the situation, not make it worse;
- although Condition 14 requires parking and turning facilities to be used for no other purpose, CBC is not the highways authority and not in control of where people park. Permitted development rights have been removed, so it's hoped that garages will remain as garages, which should alleviate parking problems.

Member debate

In debate, Members made the following comments:

- although there is a condition about the hours of construction on site, rules are often not observed, and large construction vehicles accessing and delivering to the site could cause problems for residents at busy school times, particularly in the paved area without pavements. A condition to control this would be helpful;
- parking is a matter of common sense, and unfortunately there are a lot of inconsiderate drivers parking in inappropriate places. There is not much the council can do about this.

The Legal Officer suggested that delivery hours could be strengthened in explicitly mentioning this in the Construction Method Statement under Condition 3.

Vote on officer recommendation to permit

7 in support

2 abstentions

PERMIT

6 23/01123/LBC The Wilson Cheltenham Art Gallery & Museum, Clarence Street, Cheltenham GL50 3JT

Councillor Clark left the Chamber, having declared an interest in this item.

The Interim Head of Planning explained that this application is at committee before the end of the second consultation period to allow CBC to meet its performance targets. He said the recommendation is subject to no further adverse comments.

The Senior Heritage and Conservation Officer introduced his report, for various internal works to the first floor of The Wilson Art Gallery and Museum, including a mezzanine floor, covering of windows, and replacement doors. He noted that the

changes don't significantly affect the historical features of the building and could all be reversed at a future date without harm.

There were no public speakers or Member questions on this item.

A Member commented that he supported the application, which will allow more artworks to be displayed.

Vote on recommendation to grant listed building consent

8 in support – unanimous

GRANT

7 Appeal Update

The Interim Head of Planning used the opportunity to clarify some recent misreporting in The Times and on Gloucestershire Live, concerning the Miller Homes application for 350 homes in Leckhampton. He said that The Times article suggested that the Secretary of State had called in the council's decision to approve the scheme, but this was not the case. The council actually refused the scheme for reasons around construction and sustainability; Miller Homes submitted an appeal, but the Secretary of State called in the case prior to its consideration at an informal hearing. At the hearing, the planning inspector said the decision would be made by the Planning Inspectorate, but subsequent to the closure of the informal hearing, she wrote to relevant parties to say this was incorrect and the Secretary of State would make the final decision.

He said the process will now be that the planning inspector will provide a report to the Secretary of State, who will consider the case, although there is no indication of when he may make his decision.

In response to a Member's question as to how the Secretary of State could call in a decision already refused by CBC, the Interim Head of Planning said that the Secretary of State delegates decision making on appeals to the Planning Inspectorate, but retains the right to make the decision himself. The Legal Officer further clarified by saying the correct terminology for this is a 'recovered appeal' – the Secretary of State has recovered authority to make the final decision on the appeal.

A Member noted that this wasn't the first time the press had misreported planning decisions and felt it was important to make the public aware, through a press release. The Interim Head of Planning confirmed that the Cabinet portfolio holder distributed a statement after the Times article, though this doesn't appear to have been reported anywhere, and he is going to make another statement to set the record straight locally. The Chair commented that he had emailed the Gloucestershire Live journalist, but received no response.

As ward councillor for Leckhampton, a Member was disappointed not to have received the letter from the planning inspector explaining the situation, as promised at the informal hearing. The Interim Head of Planning suggested this may have been sent only to people who actually signed in at the appeal hearing, not to everyone present.

8 Any other items the Chairman determines urgent and requires a decision

There was none.

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